

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 02 2017 ★
BROOKLYN OFFICE

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STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

ORDER

- against -

No. 04-cv-2609 (NG) (SMG)

SEMION GRAFMAN, *et al.*,

Defendants.

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GERSHON, United States District Judge:

I have reviewed the March 8, 2017 Report and Recommendation (the "Report") of United States Magistrate Judge Steven M. Gold that State Farm's motion for an order directing the sale of real property owned by Jacob Kagan, and his wife, Victoria Kagan, (the "Esmac Property"), be granted. I have also reviewed the papers submitted by the parties, including Jacob Kagan's objections to the report. I agree with Judge Gold's conclusion, find Mr. Kagan's objections unpersuasive, and grant State Farm's motion for an order directing the sale of the Esmac Property. Contemporaneously with this order, I will approve the levy order jointly submitted by State Farm, HSBC Mortgage Corporation (USA) ("HSBC"), and Citibank, N.A. ("Citibank"). This levy order also resolves two other outstanding issues raised by Mr. Kagan's objections. First, Citibank has not abandoned the mortgage on the Esmac Property. Second, State Farm has "withdraw[n] its credit bid request."

In sum, State Farm's motion for an order directing the sale of the Esmac Property is granted, and I will separately endorse the proposed levy order.

SO ORDERED.

/s/ *Nina Gershon*
NINA GERSHON
United States District Judge

Dated: May 1, 2017
Brooklyn, New York